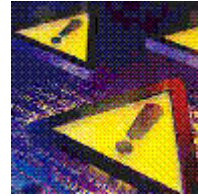


# Risks

issue no 61 – 6 July 2002



Editor: [Rory O'Neill](#) of *Hazards* magazine. Comments to [Owen Tudor](#).

## CONTENTS

- Action: [taking the next steps against asbestos](#)
- Union news: [a million workers should get a hearing test from Europe](#) \* [justice for asbestos victims](#) \* [TGWU anger as death toll on farms is revealed](#) \* [public supports union rail safety strikes](#) \* [pilots welcome air rage jailing](#) \* [teachers lobby MPs over workloads](#)
- Other news: [new HSE initiative on work-related stress](#) \* [safety boss calls for site safety debate](#) \* [doctors want action on safety and workload](#)
- International news: Australia: [union call for work "manslaughter unit"](#) and [asbestos ban comes closer](#) \* Europe: [pan-Europe campaign on work stress](#) \* Germany: [psychoterror stalks the workplace](#) \* International: [ILO tackles disease and accident reporting](#) \* Italy: [employers jailed for passive smoking death](#) \* New Zealand: [casino workers seek smoke bans](#) \* USA: [workers told "faster, faster"](#) and [more hours, more stress, more pain](#)
- Resources: [TUTB Labourline](#)
- Events:

**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 4,000 subscribers and 1,000 on the TUC website. To receive this bulletin every week, click

[here](#). Past issues are [available](#). This edition contains [Useful links TUC courses for safety reps Disclaimer and Privacy statement](#). The TUC website lists future health and safety events in [What's On](#) – [new events](#) are covered below.

## ACTION

### **Taking the next steps against asbestos**

Union attempts to beef up a forthcoming Europe-wide asbestos at work law have won approval by the European Parliament but are being blocked by EU governments. Now TUC is urging safety reps to urge Members of the European Parliament (MEPs) to support the European Parliament approved improvements to the asbestos directive. The asbestos directive, which would become an EU wide law and to which the European Parliament will soon be asked to give a second reading, is supported by TUC and would substantially reduce exposures to asbestos and improve the control regimes for asbestos work. But the Council of Ministers have only accepted four of the 37 union-backed amendments supported by both the European Parliament ([Risks 50](#)).

- ***Taking the next steps against asbestos in the EU – [TUC briefing](#) [also in [pdf format](#)]***
- ***Original TUC briefing on the [changes to the asbestos directive approved by the European Parliament](#)***
- ***[How to find your local MEP](#)***

## UNION NEWS

### **A million workers should get a hearing test from Europe**

The TUC has joined forces with deaf people's advocacy organisations to call on Members of the European Parliament and governments to ensure that the best hearing protection is provided to workers. TUC, the Royal National Institute for Deaf People (RNID) and the European Federation of the Hard of Hearing (EFHOH) have written to MEPs engaged in last minute negotiations with governments over the noise at work directive, saying it is vital they ensure that hearing tests are extended to the million workers in Britain exposed to potentially damaging levels of noise. They also want MEPs to defeat a proposed amendment that would exclude the leisure industry, one of the UK's fastest-growing sectors, from the directive for five years. TUC general secretary, John Monks, said "it can't be right that manufacturing has to cut the noise levels and protect its workers' health while pubs and clubs can carry on damaging the hearing of bar staff and musicians

alike. No one is trying to stop people hearing loud music, but lots of musicians are suffering deafness for their art, or having to retire early, and we do want that to stop."

- [TUC news release](#)

### **Justice for asbestos victims – Roman style!**

Labour attempts to evade their liabilities were stumped on 20 June 2002 when the House of Lords' judgment in the *Fairchild* case was published ([Risks 59](#)). A new TUC analysis of the judgment concludes: "The immediate result of the Fairchild judgment is clearly that where several employers have exposed a person negligently to asbestos, and that person has developed mesothelioma, then all the employers are liable to pay compensation." TUC adds that "in mesothelioma cases where several employers all negligently exposed the victim to asbestos, those employers are jointly and severally liable - it is up to them to sort out how to split the bill." The landmark judgment came in a case backed by construction union UCATT.

- [TUC briefing](#)

### **TGWU anger over child farm safety**

Agricultural workers' union TGWU has responded with fury at suggestions that moves to outlaw children under 16 driving tractors on farms could be shelved. Despite a 30-year long campaign by the TGWU to protect children from the dangers of modern farming, the Health and Safety Commission has delayed a decision on a ban on children driving tractors, as farmers resist moves to safeguard children. Barry Leathwood, the TGWU farm workers leader, laid blame with the farm employers' body: "The National Farmers Union who are blocking the ban should be ashamed. The NFU are clearly not representative of the thousands of decent farmers who do care about children's lives." He said the decision flies in the face of a new International Labour Organisation Convention, so the UK would not now meet the standards expected of developing nations. "The TGWU will not rest until the law has been changed to protect children in one of the country's most dangerous industries." Figures released by HSE this week show 41 people died in agricultural accidents during the last year. The toll included two children, both killed by farm vehicles.

- [HSE news release](#)

### **Public supports union rail safety stand**

Nine out of 10 members of the public backs the right of rail unions to strike over safety, a poll of over a thousand adults has found. The nationwide poll also found the public overwhelmingly supports re-nationalisation of the railways and opposes the partial sell-off of London Underground. A massive 88 per cent said that workers would be within their rights to strike over safety fears. RMT general secretary Bob Crow said: "With nearly nine out ten of people backing our right to strike over safety fears the government should finally concede that it must not make the same fatal mistake with the Tube." He added that RMT "will ballot our Tube members for industrial action over LUL's refusal to hold meaningful consultation over the future safety of the network." The union has also warned the HSE not to give premature approval to London Underground's proposed safety arrangements. The union has told HSE that to approve LUL's "safety case" while the company withholds documents and refuses to conduct proper consultation with safety reps would place the safety watchdog in breach of its statutory duties.

- **RMT news releases on the [poll findings on RMT warning to HSE](#)**

### **Pilots welcome air rage jailing**

Pilots' union BALPA has welcomed the custodial sentence on Charlotte Davies for causing disruption onboard a flight to Tenerife last November. About an hour into the flight, the pilots took the decision to divert to Faro in Portugal because Ms Davies was intoxicated and abusive to members of the cabin crew and fellow passengers. She was given a four month sentence. Commenting on the court's decision, BALPA's Mick Brade said: "We welcome the sentence, it sends out all the right signals. All too often in the past sentencing has taken the form of a slap on the wrist and a punitive fine."

- **[BALPA news release](#)**

### **Teachers lobby MPs over workloads**

Teachers have pressed their claim for action on spiralling workload with a rally and lobby of parliament. The event, organised by TUC-affiliated teaching unions ATL, NASUWT, NUT and UCAC, saw hundreds of teachers from England and Wales descend on the House of Commons. Teachers say they regularly work between 50 and 60 hours a week and their unions are calling for the introduction of a 35-hour

week, as granted to their colleagues in Scotland. The general secretaries of all four unions released 638 balloons to represent the number of hours they calculate are worked by each teacher every year in England and Wales, over and above the hours worked by Scottish colleagues. Prime Minister Tony Blair, speaking on the Channel Four evening news, said: "There are issues to do with workload that we are looking at and how we cut back on the workload, and one of the important things is that teachers have some time to reflect and treat themselves as academics."

- [BBC News Online](#). [TUC news release](#) and news releases from [ATL](#) and [NASUWT](#)

## OTHER NEWS

### **New HSE initiative on work-related stress**

The HSE has embarked on a media and promotional blitz to highlight how to prevent work-related stress. Initially aimed at public sector workers where levels of reported incidence of stress are highest, a series of advertisements will advise managers of schools, hospitals, police and emergency services on steps to take in preventing the condition. The initiative will also help managers pave the way for next year's introduction of the first management standards on stress in the workplace. HSE says these standards will provide a yardstick against which to measure an employer's management performance in preventing stress. Part of the campaign will be to encourage organisations to send for HSE's detailed guide, *Tackling work-related stress: a manager's guide to improving and maintaining employee health and well-being*. For firms with fewer than 50 employees, there is a free booklet, *Work-related stress*.

- [HSE stress release](#). **Free Stress action pack from HSE's stress helpline: 0845 6081818. *Tackling work-related stress: A managers' guide to improving and maintaining employee health and well-being*, ISBN 0 7176 2050 6, £7.95. For firms with fewer than 50 employees: *Work-related stress – a short guide* from [HSE Books](#). [HSE stress publications free on HSE's website](#)**

### **Safety boss calls for site safety debate**

The chair of the HSC has outlined the steps being taken to improve health and safety in the construction industry to address the current

toll of over 100 deaths and 5,000 serious injuries a year. Bill Callaghan told the conference of construction union UCATT: "The construction industry has a reputation for being confrontational, risk tolerant and reluctant to change. And it has an appalling health and safety record." He referred to the key role that workplace safety advisers can play: "The workers safety advisers, which are being piloted in construction and three other industries and in which UCATT members are playing a leading role, will help shape the future of health and safety consultation arrangements". The safety supremo congratulated UCATT on its occupational health strategy initiative ([Risks 31](#)).

- [HSE news release](#)

### **Doctors want action on safety and workload**

Doctors have told their annual conference they fear attacks from patients and their relatives. Delegates to the British Medical Association (BMA) conference said those running hospitals and GP managers must ensure their staff were safe, and called for an end to the "patchy" approach to security currently seen across the country. Junior doctors representatives also said they are being coerced into lying about how many hours they work to make it appear as if they are not exceeding allowed limits. And doctors said they want the sicknote system reformed because they say it is an unnecessary burden - and does not help either patients or employers. Dr Ian Bogle, chairman of the BMA Council, said: "This problem is causing a huge and unnecessary burden on doctors' time and is one of the reasons for low morale amongst GPs." Doctors agreed that patients should be allowed to call in sick for a month before needing a sick-note from the surgery. TUC's Owen Tudor backed the BMA: "Employers should trust their workers rather than tying up doctors and patients in red tape and form filling."

- **BBC News Online on [attacks](#) and [sicknotes](#) and [Ananova](#) on hours**

## **INTERNATIONAL**

### **Australia: Union call for work "manslaughter unit"**

The New South Wales Labor Council in Australia has called call on the state government to establish a specialist Manslaughter Unit within the health and safety agency WorkCover. The new unit would vet every workplace death to determine if criminal charges should be laid against an employer or company director. Labor Council secretary John

Robertson told the NSW government's Safety Summit that criminal prosecutions over workplace safety would dramatically change the attitude of employers. "By establishing a specialist Manslaughter Unit within WorkCover, staffed with legal experts and investigators, we will determine whether the current laws are adequate or we need legislative reform," he said. He added that the Unit "should also review deaths due to unsafe and illegal work practices such as unreasonably long hours in areas such as long-haul trucking."

- [Workers Online](#)

### **Australia: Moving closer to an asbestos ban**

Australia has taken another step towards a national asbestos ban, scheduled to take effect in December 2003 ([Risks 2](#)). Government safety research body NOHSC has started public consultations on possible exemptions to the chrysotile (white asbestos) ban and on measures to complete the total ban on other forms of asbestos. After stiff resistance from the asbestos industry, bans on the greatest ever industrial killer are now spreading worldwide.

- [Public Comment Sought on Proposed National List of Exemptions to the Prohibition on the Workplace Use of Chrysotile Asbestos](#)
- [Public Comment Sought on Proposed Prohibition on the Use of Actinolite, Anthophyllite and Tremolite Forms of Asbestos in Australia](#)
- [International Ban Asbestos Secretariat](#) webpages on [asbestos bans](#) and campaigns

### **Europe: First pan-European campaign to combat work stress**

A major campaign to combat work-related stress - the second biggest occupational health problem in the European Union after back pain - has been launched by the European Agency for Safety and Health at Work. The initiative will be the first EU-wide campaign to tackle work-related stress, a problem that is estimated to affect over 40 million employees in the EU. "The changing world of work - and in particular the rise of job insecurity - has made work-related stress one of the biggest safety and health challenges facing today's businesses," says Mr Pat Cox, President of the European Parliament. "The European Parliament is fully committed to tackling this issue, as we showed in our recent resolution on workplace harassment, and welcomes the Agency's determination to give it the profile it deserves." The Agency says a common cause of work stress is a lack of control at work, with

35 per cent of EU employees saying they have no say in the order of their tasks and 55 per cent claiming no influence over how long they work.

- **European Agency for Safety and Health at Work** [news release](#) and [Reuters Health](#)
- **Agency** [Euroweek resources](#) and **TUC health and safety week** [web pages](#)

### **Germany: Psychoterror stalks the workplace**

Bullying at work is more widespread in Germany than any other European country, according to a report by the country's Ministry of Labour. Several suicides have been attributed to the problem, which Germans call "mobbing" or "psychoterror am arbeitsplatz" – psychoterror in the workplace. The problem bill runs to £100 million a year in medical costs, as well as lost working days. *The Mobbing Report*, a survey of 4,400 workers, estimated that 800,000 people were suffering "intolerable" abuse every day and that 1.5 million workers suffered sickness caused by bullying. The government is considering legislating to tackle the problem. Big industrial unions such as IG Metall have departments dealing solely with workplace bullying. Courts have begun making large payouts to people who have complained of systematic harassment.

- [Times Online. Hazards psychoterror factsheet \[pdf format\]](#)

### **International: ILO tackles disease and accident reporting**

Delegates to the International Labour Conference have adopted a new protocol addressing how countries record and report on occupational accidents and diseases, dangerous incidents and commuting accidents. The protocol, which applies to countries that have ratified the International Labour Organisation's occupational health and safety convention 155, also requires the publication of annual statistics. A related recommendation updates a 22-year-old list of occupational diseases. Hugh Robertson of UK union UNISON chaired the international workers' group in the negotiations that led to the new protocol. He told *Risks*: "The final protocol incorporates many of the main points raised by the workers' group including increased rights of protection against victimisation." He added: "If adopted by individual countries the protocol will have a major and lasting effect on the way that workplace accidents and illnesses are recorded, and will give

employers and governments the information they need in ensuring that they have proper strategies for prevention."

- [ILO News. New ILO protocol \[pdf\] and ILO occupational safety and health convention 155. Full ILO conference press release](#)

### **Italy: Employers jailed for passive smoking death**

Two managers of the Paribas Bank in Milan, Italy have been convicted of criminal manslaughter in the death of a female bank employee who suffered a fatal asthma attack triggered by workplace exposure to second hand smoke. They were sentenced to three months in jail and fined 50,000 euros (£32,000), reported the Italian news agency, *La Stampa*. This criminal court decision opens the door for a civil wrongful death lawsuit by the employee's family to recover damages for causing her death. Monica C. was 35-years-old, married, and had a 10-year-old child. She had asked to be relocated and had supported her request with medical certificates that proved her gradual health deterioration. Her requests were ignored.

- [La Stampa article on the ASH website. US briefing on the legal implications on the Hazards drink and drugs news pages](#)

### **New Zealand: Casino workers seek Oz style smoke bans**

Casino workers in New Zealand have been inspired by Australian union members who have won smoke free workplaces. The workers at Auckland's Sky City Casino and the Christchurch Casino have started campaigning for a smoke free work environment in both venues. They are raising public awareness through the collection of signatures on a petition calling for casino management to ban smoking and the New Zealand government to legislate against smoking in pubs, clubs, bars, restaurants and casinos. "We've stirred up a hornets nest," says Sky City union delegate, Toni Peri. "Especially when we put our petition online on the website. Suddenly casino bosses who didn't want to talk to us about the outstanding 15 issues we've currently got on the boil at Sky City were very anxious to talk to us about the smoke free petition."

- [NZCTU news release. Sign the online petitions for Auckland's Sky City Casino and Christchurch Casino](#)

### **USA: Workers told "faster, faster"**

A decade long obsession with productivity has been healthy for the corporate bottom line, but workers in the USA say they are paying for it with exhaustion and pain. Job speed-up is emerging as a top complaint for low-wage employees in sectors as diverse as food processing and tourism. It has become a pivotal bargaining issue in some union contracts. And increasingly, health and safety experts consider it a source of injury and illness. The subject is crucial to many aging workers, who see a future in which they would be unable to keep up the pace. The US National Institute for Occupational Safety and Health identified speed up and other changes in work organisation as a priority for research. "To compete more effectively, many companies have restructured themselves and downsized their work forces," the authors said. "The revolutionary changes occurring in today's workplace have far outpaced our understanding of their implications for work-life quality and safety, and health on the job."

- [Seattle Times](#)

### **USA: More hours, more stress, more pain**

Americans have a difficult time dealing with stress, and many adopt coping strategies that may only make them feel worse, according to new survey results. The survey, based on responses from 1,805 US adults, found the most common source of stress mentioned was lack of time, which affected 62 per cent of the respondents. Time crunches often resulted from too much work, or from working too many hours, the respondents noted. The amount of stress facing Americans may be responsible for common reports of stress-related ailments, such as headaches and depression. Respondents were most likely to cope by eating, drinking and smoking more, exacerbating the health effects, the study found.

- [Reuters Health](#)

## **RESOURCES**

### **TUTB Labourline**

Two of the European Trade Union Confederation's research institutes, ETUI and TUTB, have combined their resources to produce Labourline, a consolidated bibliographic database. Labourline contains more than 12,000 references to documents on health and safety issues -TUTB Labourline - as well as more than 18,000 references to documents

focusing on industrial relations - ETUI Labourline.

- [TUTB Labourline](#)

## EVENTS

Only newly announced events, events next week and very important events will be listed here in future. But there is a comprehensive listing of [health and safety events](#) on the TUC website – bookmark it for easy reference!

### **National Simon Jones Campaign film tour, 29 June to 11 August**

Groups across the country have got together to organise a unique film tour highlighting the dangers of increasing casualisation in the workplace. The film *Not this time – the story of the Simon Jones Memorial Campaign* chronicles the death of Simon Jones on his first day as a casual worker - and the fightback. The 20-date film tour has its first British date at the Glastonbury festival on 29 June on the same bill as Billy Bragg and Mark Thomas.

- **Tour [dates](#)**
- **[Details](#) of how to get the video**
- **Simon Jones campaign [website](#)**

### **Hazards 2002, National Hazards Conference, 6-8 September**

The National Hazards Conference will be held in Manchester for the second year running. Further details from [Greater Manchester Hazards Centre](#). There is a [financial appeal](#) to keep registration costs down, backed by the TUC.

### **European Week of Health and Safety 2002, 14-21 October**

This year's week will take place in Britain from 14 October, on the theme of stress – there is a special [page](#) on the TUC website devoted to the week. Unions and union branches planning Euroweek activities should contact the TUC's stress week co-ordination team at [Worksafe](#), tel. 01535 664462, with details of what they are doing and what support they would like. More background: [European Agency](#) and [HSE](#) Euroweek webpages.

## USEFUL LINKS

**Visit the TUC**[http://www.tuc.org.uk/h\\_and\\_s/](http://www.tuc.org.uk/h_and_s/)

**website pages on health and safety. See what's on**

offer from [TUC Publications](#) and [What's On in health and safety](#).

**TUC courses for safety reps**

**COURSES FOR APRIL TO JULY:**

[Wales](#), [Scotland](#), [North West](#), [Midlands](#), [South East and East Anglia](#), [South West](#)

**COURSES FOR SEPTEMBER TO DECEMBER:**

[Midlands](#), [Scotland](#), [South West](#), [Wales](#)

For details of courses in the Northern, Yorkshire and Humberside regions, contact the [TUC Regional Education Officer](#)

**Subscribe** to [Hazards](#) magazine, supported by the TUC as a key source of information for union safety reps.

**What's new** in the [HSC/E](#) and the [European Agency](#).

HSE [Books](#), PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165; fax: 01787 313995.